

John M. Bredemeyer III, President  
Michael J. Domino, Vice-President  
Glenn Goldsmith  
A. Nicholas Krupski  
Charles J. Sanders



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**BOARD OF TOWN TRUSTEES**  
**TOWN OF SOUTHOLD**

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**Minutes**

**Wednesday, January 20, 2016**

**5:30 PM**

**Present Were:** John Bredemeyer, President  
Michael Domino, Vice-President  
Glenn Goldsmith, Trustee  
A. Nicholas Krupski, Trustee  
Elizabeth Cantrell, Senior Clerk Typist  
William Duffy, Assistant Town Attorney

**CALL MEETING TO ORDER**  
**PLEDGE OF ALLEGIANCE**

**NEXT FIELD INSPECTION:** Wednesday, February 10, 2016 at 8:00 AM  
**NEXT TRUSTEE MEETING:** Wednesday, February 17, 2016 at 5:30 PM  
**WORK SESSIONS:** Tuesday, February 16, 2016 at 4:30 PM at Downs Farm, and on  
Wednesday, February 17, 2016 at 5:00 PM at the Main Meeting Hall

**MINUTES:** Approve Minutes of December 16, 2015 and December 30, 2015.

**TRUSTEE BREDEMEYER:** Good evening, and welcome to our January, 2016, regular monthly meeting of the Southold Town Trustees. This evening the Board takes a new direction. We have two newly elected members of the Board. To my far left is Nicholas Krupski and to my immediate left is Glenn Goldsmith. I'm John Bredemeyer who chairs the Board. This is Vice-President of the Trustees, Mike Domino. To his right is Town Attorney Bill Duffy, and to the far right is our clerk Elizabeth Cantrell.

Just for those of you who are here, I probably know most of you for many, many years, and you are regulars at Trustee meetings, so this is not a new event for you, but I just want to give you an indication of how hard your new Trustees and the Board have been working.

We convened informally to review some heavily-damaged sites that were problem sites in the Town on a friendly basis before Christmas. The Board convened our organizational meeting on January 5th. We conducted our first field inspections on January 14th. And dialing back to our organizational meeting on January 5th, we also held a day-long training session on the State Environmental Quality Review Act and Town procedures. On the 14th we held our first field inspections. We had our first meeting, work session meeting on the 19th, and of course we are here tonight, and tomorrow morning we'll be doing some follow-on work that had come about through the transitional period from this Board.

I want to thank the Board for their support in asking me to chair this Board again. And at this time, because this is a new Board we are convening, I was asking that all members might offer up a few comments as with respect to their hopes and aspirations as a member of this Board and what they view as important going forward. We'll start with Nick.

TRUSTEE KRUPSKI: Hi, my name is Nick Krupski, newly elected with Glenn here. Going forward, one of my passions is eel glass restoration, habitat restoration kind of thing. That being said, I'm an avid boater and I kind of like the balance between the two, and I look forward with working with each and every one of you.

TRUSTEE GOLDSMITH: Thank you, my name and Glenn Goldsmith. I'm humbled and excited to be sitting up here in front of you. I look forward to working with Nick, John, Mike and the rest of the Board. I hope to honor the legacy of those who came before me, including Jimmy King, Dave Bergen and actually my grandfather who was a Town Trustee for 34 years.

So I'll work hard to justify the confidence that the people of Southold Town have placed in me. Thank you.

TRUSTEE BREDEMEYER: Thank you, very much. I don't recall how long Nick's dad was a Trustee, but he was many years. I'm pushing 16. Nothing like 34 years. Also, Glenn Goldsmith has another granddad who is an original signer of the town's patent when we had a little difference of opinion with the King of England and we had to negotiate a patent to extract certain political rights in this town. So it's an interesting historical perspective.

A grandfather of mine also sent Edmund Andros to the Tower of London. So we have some ancient history that impinges in the Board here.

I just want to reiterate, this is a labor of love and the gentlemen to my left and to my right understand how much time is involved in this, and it's been a lot lately.

My hopes for the Board is to create a larger degree of transparency. We churn through a lot of work product through the course of a month, trying to make things a little more apparent to people. We are going to limit the amount of material to almost zero that comes up to the dais during the course of a meeting. We have hopes to reorganizing the space between our monthly field inspections, our work session and the meeting so that it will allow for additional public comment. And we are also going to try to

revisit and strengthen our provisions under the State Environment Quality Review Act so the applications that are not the run-of-the-mill standard application that we see, we'll be able to devote more time and scrutiny to those applications, and maybe incorporate more of the good conservation practices and comments that come to us from our Conservation Advisory Council or the Local Waterfront Revitalization Program coordinator.

TRUSTEE DOMINO: Mike Domino, Vice-President of the Board of Trustees. In 2015 the Board of Trustees had a very productive year. And we lost two good Trustees, Jim King and Dave Bergen. But from what I have seen so far, these gentlemen are stepping right up and I look forward to a great 2016.

TRUSTEE BREDEMEYER: Thank you. Before we get into this evening's agenda, I just want to let you know there are a number of items that are labeled on the printed agenda which is on the lectern that have been postponed. Typically, this is because conditions may have changed as a result of a field inspection, or we found there was information lacking on an application that we can not go forward, or we did not get a return from an involved agency such as the Town's Local Waterfront Revitalization Program coordinator or the Conservation Advisory Council. Just so that you are not sitting here waiting to have a matter heard that has been postponed. So the postponements are listed as follows:

On page four, number three, Thomas Wolpert, P.E. on behalf of **RIVKA SCHOENFELD** requests a Wetland Permit and a Coastal Erosion Permit to relocate an existing 660sq.ft. one-story framed cottage approximately 37' landward of its present location; construct onto cottage a new two-story 1,320sq.ft. framed addition; two-story 624sq.ft. attached framed garage; 624sq.ft. studio addition; one new 800sq.ft. seaward deck and one new 900sq.ft. landward deck attached to dwelling; the installation of a 30" wide by 46' long path from seaward deck to top of bluff; construct 3'x65' timber bluff stairs to beach with an associated 3'x7.5' top landing, a 3'x3' upper middle landing, a 3'x3' lower middle landing, and a 3'x8' lower landing; approximately 30 cubic yards of fill to be added to regrade the original footprint of the existing cottage and to regrade the lip at the crest of the bluff to prevent storm water runoff and bluff erosion. Located: 4790 Blue Horizon Bluffs, Peconic. SCTM# 1000-74-1-35.56, has been postponed.

And on pages six and seven, items 13 through 16:

Number 13, Creative Environmental Design on behalf of **LAZARUS ALEXANDROU** requests a Wetland Permit to construct a 16'x32' gunite swimming pool with cartridge system and a pool drywell; install a 575sq.ft. permeable pool patio; install an 18" high by 65' long retaining wall against the seaward side of patio located 29'11" from top of bluff; and install pool enclosure fencing.

Located: 2700 Sound Drive, Greenport. SCTM# 1000-33-1-11

Number 14, North Fork Pool Care on behalf of **KATHY & RICH**

**O'TOOLE** requests a Wetland Permit to construct a 20'x40' in-ground gunite swimming pool; a ±1,584sq.ft. pool patio; pool enclosure fencing; pool equipment area; and install a drywell to contain pool backwash. Located: 700 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-145-2-6

Number 15, **1050 WEST COVE RD. LLC, c/o EUGENE BURGER** requests a Wetland Permit for the existing dwelling and to reconstruct in-place a 22'x20' section of exterior walls and raise plate height to 10'. Located: 1050 West Cove Road, Cutchogue. SCTM# 1000-111-5-1

And number 16, **HENRY & MELISSA SILVERMAN** request a Wetland Permit to construct a dock consisting of a 4'x10' landward ramp using open grate decking with 3' high handrails on each side; leading to a 4'x95' catwalk with open grate decking, 3' high handrails on each side, and two (2) 2'x8' benches at seaward end; a 3'x24' aluminum ramp with handrails; a 2'x5' bump-out float; a 6'x20' floating dock secured by two batter piles and one tie-off pile; all associated piles to be 10" in diameter; and equip the dock with water and electric. Located: 2800 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-12

At this time I'll make a motion that the next field inspection will be for Wednesday, February 10th, at 8:00 AM.  
TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

The next Trustee meeting, Wednesday, February 17th, at 5:30 PM, with a 5:00 PM worksession preceding it, in the main meeting hall. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: And for a worksession at Downs Farms for Tuesday, February 16th, at 4:30 PM. That's a motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: Motion to approve the Minutes of December 16th, 2015, and December 30th, 2015.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

## **I. MONTHLY REPORT:**

The Trustees monthly report for December 2015. A check for \$31,398.73 was forwarded to the Supervisor's Office for the General Fund.

## **II. PUBLIC NOTICES:**

Public Notices are posted on the Town Clerk's Bulletin Board for

review.

### III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, January 20, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

I'll move a resolution for all the items so listed under Item III on the agenda, except for Henry and Melissa Silverman, for which there is an incomplete application. And also this particular item is more properly classified as an unlisted action. So I would move the following in that they are all classified properly as Type II Actions under the State Environmental Quality Review Act.

Emma Hall SCTM# 1000-99-3-2  
Hay Harbor Club SCTM# 1000-9-3-1  
Rivka Schoenfeld SCTM# 1000-74-1-35.56  
1050 West Cove Rd., LLC, c/o Eugene Burger SCTM# 1000-111-5-1  
Benjamin Ciampa SCTM# 1000-110-7-1  
Nassau Point Property Owners Association SCTM# 1000-111-9  
Kathy & Rich O'Toole SCTM# 1000-145-2-6  
Christine & Philip Mascia SCTM# 1000-77-1-5  
Raymond Raimondi SCTM# 1000-104-7-6  
Nabil El-Sherif & Gioia Turitto SCTM# 1000-70-10-61.1  
Lazarus Alexandrou SCTM# 1000-33-1-11  
Bruce and Alan Goldsmith SCTM# 1000-64-3-8  
Goldsmiths Boat Shop, Inc. SCTM# 1000-64-3-9  
Vincent & Eileen Flaherty SCTM# 1000-92-1-8  
Nassau Point Property Owners Association SCTM# 1000-111-15  
Nassau Point Property Owners Association SCTM# 1000-118-4  
Frederic Endemann SCTM# 1000-117-5-51.1

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMAYER: All in favor?

(ALL AYES).

### IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

In order to keep meetings moving along, items which the Board has reviewed that are administrative in nature and minor in nature, we'll group together as a group. So that Item number IV, under Resolutions for Administrative Permits, the first item we need to table because we are awaiting additional information relative to the Town Code before the Board finalizes field inspections. So number one, **BRIAN PARKER** requests an Administrative Permit to install four (4) 12'x14' floating platform upwellers (FLUPSYS) against the existing bulkhead for raising juvenile shellfish. Located: 305 Williamsburg Drive,

Southold. SCTM# 1000-78-5-15, I would move that we table.  
TRUSTEE DOMINO: Second.  
TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: And as a group, items two, three and four were reviewed by Trustees on field inspection and discussed and considered at our Downs Farms worksession on the 19th. They are listed as follows:

Number two, Robert Brown Architect, P.C. on behalf of **PAUL & DIANE GOLEB** request an Administrative Permit for the existing 615sq.ft. second-floor balcony; and to install three new columns to help support the structure. Located: 360 Bayview Drive, East Marion. SCTM# 1000-37-4-1

Number three, Robert Brown Architects on behalf of **BRUCE ROTHSTEIN** requests an Administrative Permit to remove and replace existing deck with a new 286sq.ft. deck attached to seaward side of dwelling. Located: 7390 Peconic Bay Boulevard, Laurel. SCTM# 1000-126-11-11

And number four, **PAUL & MARGARET KOBALKA** request an Administrative Permit to install a 4' high fence along the western side property line ending approximately 20' landward from top of bluff. Located: 695 Petty's Drive, Orient. SCTM# 1000-14-2-23.

I would move items two, three and four as a group to approve.

TRUSTEE GOLDSMITH: Second.  
TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

#### **IV. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:**

TRUSTEE BREDEMEYER: Under Item V, Applications for Extensions, Transfers, Administrative Permits, I would move that we approve items one and two, similarly to the Administrative Permits. These items were reviewed by the Board at Downs Farms worksession and were inspected by a member of the Board. They are listed as follows:

Number one, Jeffrey Patanjo on behalf of **PAUL SENNETT** request an Administrative Amendment to Wetland Permit #8498 for the beach steps off of the bulkhead to be reconfigured to a  $\pm 4' \times 4'$  cantilevered platform with  $4' \times 13'$  steps to beach constructed parallel to the bulkhead. Located: 450 Richmond Road East, Southold. SCTM# 1000-135-3-7

And number two, Frank Uellendahl on behalf of **JOAN BELETSIS, c/o STAMY BELETSIS** requests an Administrative Amendment to Wetland Permit #8676 to remove the old  $3' \times 27'$  section of bluff stairs that is parallel to the shoreline which will not be replaced; reduce the size of the proposed upper most (intermediate) landing from  $5' \times 8'$  to  $4' \times 6'$ ; and to remove the existing  $\pm 3.5'$  wide stone walk. Located: 380 The Strand, East Marion. SCTM# 1000-21-5-4

TRUSTEE BREDEMEYER: My motion to approve.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: At this time I'll take a motion to go off our meeting agenda into the public hearings.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

## **VI. PUBLIC HEARINGS:**

### **WETLAND & COASTAL EROSION PERMITS:**

TRUSTEE DOMINO: Number one, under Wetland & Coastal Erosion Permits, Docko, Inc., on behalf of **HAY HARBOR CLUB** requests a Wetland Permit and a Coastal Erosion Permit to conduct maintenance dredging by clamshell bucket of  $\pm 25$  cubic yards of fine sand over an area of  $\pm 300$  sq. ft. for upland disposal; reconstruct all of the existing swim tank piers which consist of a 5 foot by  $\pm 192$  linear foot pile supported timber access pier; two (2) 10.5'x45' wood pile and timber end piers with associated diving board; one (1) 6 foot by  $\pm 80$  linear foot wood pile and timber pier with associated equipment; reconstruct two (2) sets of  $\pm 5$ 'x15' pile supported wood stairs from pier into the water; two (2) existing  $\pm 3$ 'x20' turning board floats to remain; and reconstruct the lifeguard chair.

Located: Fox Avenue, Fishers Island. SCTM# 1000-9-3-1

The LWRP coordinator found this to be consistent. The CAC did not do a field inspection, and no recommendation was made.

The Trustees did an in-house review on 1/14/16. Conditions noted that it would probably not need a silt boom or silt fence for the 25-cubic yards of sand, and noted again that non-toxic materials have to be used.

Is there anyone here to speak to this application?

MR. NIELSON: I am. My name is Keith Nielson, I'm with Docko, Inc., and I prepared the application documents before you tonight and will be pleased to answer any questions you might have of the project.

The application drawings clearly depict the area of the existing fixed woodpile and timber pier, the area of dredging where the diving board is located, where the two sets of stairs is located, and is there a lot of steps going on in that little spot. And it is naturally deep spot except that during times of coastal storms in particular, the diving area fills in to less than seven feet deep, and in order to meet the state code for diving areas, it has to be dredged. So that's the whole purpose of the project.

It is anticipated that the dredging will be done by clamshell bucket. It will be almost undoubtedly be done by Gwenmor Marina out of Mystic, and as in the past, despite my workshop presentation of a couple of months ago, the dredge will

not be located between the swim tank and the east shore of Hay Harbor there, where we had proposed that upland disposal will be by a simple swing of the bucket from the tank to the shore. Gwenmor prefers to put those steel fences on the, on their barge, and they will deposit the dredge material on the deck of the barge, bring it around to the Mobil dock in West Harbor, offload it there, and then the material will be brought back to the beach by truck. So it's a time-proven technique. The club is good with it and Gwenmor Marina prefers that methodology, so that's the way it's going to be done.

And I appreciate the no necessity for a silt boom because it is all granular, all sand, and very clean material. It's all brought in by storms. And so the dimensions of everything are as existing, okay, we are not changing anything. It's all existing materials or existing sizes and configurations. And we'll keep that through the project.

If there are any questions, I would be happy to answer them.

TRUSTEE DOMINO: Is there anyone else who wishes to speak to this application?

(No response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: Motion made and second. All in favor? (ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

MR. NIELSON: On behalf of the Hay Harbor Club, thank you.

TRUSTEE BREDEMEYER: The next application, number two, Joan Chambers on behalf of **EMMA HALL** requests a Wetland Permit and a Coastal Erosion Permit to remove remnants of existing bluff stairs to beach and replace with new bluff stairs consisting of a 6'x3' landing at the top of the bluff leading to five (5) 3'x16' lengths of stairs with railings, connected by six (6) 3'x6' platforms with railings, elevated an average of 3' above natural slope of bluff; proposed disturbance to the bluff during stair construction not to exceed an 8' wide corridor; stabilize approximately 500 square feet of westerly upper edge of bluff with 60 cubic yards of sand & gravel, install cribbing, and re-vegetate disturbed area; and for the as-built ±100' long bulkhead. Located: 65 Soundview Avenue, Mattituck. SCTM# 1000-99-3-2

Is there anyone here who wishes to speak on behalf of this application?

MS. CHAMBERS: My name is Joan Chambers, I prepared the application and the drawings for Ms. Hall, and I'm here to answer any questions.



Probably the primary part of this application is the beach stairs. That's the project that was originally proposed by the Halls when they bought the property. I have also applied to the DEC for a DEC permit, and they came back to me and requested that the stairs remain three feet above natural grade slope and that we don't disturb more than an eight-foot wide corridor. So I have added that into this permit. So we are all working on the same page. And in my communication with the DEC they seem content with the application to them.

The secondary part is a small part. I assume you did a field inspection and saw the small part is slumped. We are just trying to get that bluff retained before it gets any worse through our winter storms. And the bulkhead is kind of an interesting situation, which I'm sure you looked into. The bulkhead is there. It appears to be a perfectly adequate bulkhead. Ms. Hall is not applying for a bulkhead permit. Also we need to have this included in her permit because the prior owners didn't take care of their paperwork. But I'm here to answer any questions.

TRUSTEE BREDEMEYER: Thank you, very much. Yes, we did look at the project. This project has been deemed to be consistent with the Local Waterfront Revitalization Program, and is supported by the CAC. The CAC did question the type of materials that would be used as far as the bluff stabilization plan.

MS. CHAMBERS: It would be just clean sand.

TRUSTEE BREDEMEYER: Clean sand to match the grain size and existing --

MS. CHAMBERS: Correct.

TRUSTEE BREDEMEYER: Okay, that's good to know. It definitely was a question of the Board when we reviewed your plans as to the limitation on the corridor for the de-vegetation. That's the first time we had seen that and we presumed it was simply good management practice. It almost seemed like common sense, because if you are building stairs that have that width, you have to afford an average-sized workman the ability to conduct his operations on either side of that. So I appreciate that.

MS. CHAMBERS: And I would question them. Do you mean eight feet on either side for 16 feet plus the width of the stairs? And they were quite firm in writing and said, no, an eight foot corridor in total. So I said, men with shovels, they don't want any equipment on that bluff, and it can be done, so.

TRUSTEE BREDEMEYER: It's possible because of some, and the new members of the Board here reviewed a site, a couple of sites that were seriously damaged through inappropriate actions on bluffs that it may well be that this will be a new relationship with the DEC and bluffs. I know ours and Coastal Erosion projects that are starting anew, will probably be more lengthy review for erosion protection, structures at the toe of bluffs, because of difficulties we encountered on several projects where the access was limited by tides and storms, and we have Long Island Sound silted up over a great period of time.

I'm getting off topic, sorry. Do any of the Board members have any questions?

(Negative response).

Is there anyone else who wishes to speak to this application?

(Negative response).

Hearing none, I'll make a motion to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MS. CHAMBERS: Thank you.

### **WETLAND PERMITS:**

TRUSTEE BREDEMEYER: The next applicant has some hearing deficits, probably a little worse than mine. My amps still work pretty good.

Okay, great. And just clip it on and it will be fine. Very well.

Can you hear me okay?

MS. WEILE: Yes.

TRUSTEE BREDEMEYER: Please stop me if you can't hear me and you don't understand.

We are getting high tech here, the Town Attorney has an iPad. I had an accident, was working on my wood pile today. I don't know, I'm living in a different century. Okay, thank you.

The next application is, number one, **V.R. WEILE REVOCABLE TRUST, c/o V. REGI WEILE** requests a Wetland Permit for the existing 3' wide bluff stairs with associated 12.5'x4' top landing, an 11.7'x3' upper landing, a 18.2'x3' middle landing, a 4'x3' lower landing, and 8.2'x12' deck with 3' wide steps to beach at bottom of bluff stairs; and for the existing 9.4'x14.4' shed on beach.

Located: 905 Aquaview Avenue, East Marion. SCTM# 1000-21-2-11.

This application has been deemed to be inconsistent under the Town's LWRP in that the Board cannot permit an unpermitted shed within the Coastal Erosion Hazard Area, a matter for which we had discussed during our worksession with Ms. Weile. And under advice of counsel, we, it was suggested that the Board is in a position to permit in the existing stairs for which we also had conferenced Ms. Weile during a work session with the Board of Trustees.

The CAC inspected the site with the condition there is no toilet facility or plumbing in the beach shed. In fact this was confirmed by myself during the course of the field inspection, and the applicant has averred that she has no interest in putting plumbing facilities or toilet facilities in the shed.

And at this point I would open this matter up to anyone who wishes to speak on behalf of this application.

MS. WEILE: Regi Weile. I just want to indicate that I added to the application the pre-code C of O which includes the wood frame building above and the wood stove and the pergola and the brick patio and the accessory frame structure with the wood deck. That was all included in the pre-CO. I also submitted revised drawings showing the

former pump station on the cliff. And I wrote a clarification of the requirements that unregulated activity that we have elevated walks, that the structures are under 200-square feet, and that they are all on wood piles with wood posts. I submitted photographs from the 1950's showing it that these were existing structures. And there is no new work planned or proposed. It's just existing. Thank you.

TRUSTEE BREDEMEYER: Thank you. Yes. And we acknowledged receipt of these in the application wherein I think you do understand the request of the attorneys that we are only going to permit in the stairs at this time and that the pre-existing nonconforming structures should have minimalist repairs in that they don't have a permitted status. So to the limits of the Town Code allowing repair functional pre-existing nonconforming structures you'll be all good with that.

MS. WEILE: That's fine.

TRUSTEE BREDEMEYER: That's great. Is there anyone else, any questions from the Board?

(Negative response).

Anyone else who wishes to speak to this application?

(Negative response).

Hearing none, I'll make a motion to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve the application of the Weile Revocable Trust, c/o Regi Weile, limited to a three-foot wide bluff stairs and associated landings, but specifically not providing any permit or Trustee Board authorization for the pre-existing pump house or the pre-existing shed on the beach. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Under Wetland Permits, number two, Eugene Burger on behalf of **BENJAMIN CIAMPA** requests a Wetland Permit to remove the existing wood decking from around the existing 22'x44' swimming pool; replace decking with a 41'x68' bluestone terrace and extend the south side of the terrace 4' seaward; and squaring off corners of swimming pool.

Located: 1305 West Road, Cutchogue. SCTM# 1000-110-7-1

The LWRP coordinator found this to be consistent. The CAC resolved to support this application. Unanimously. The Trustees did a field inspection on the 14th and noted that the application and project is straightforward. And questioned whether this should be, the gutters and leaders would go to drywells.

Is there anyone here to speak to this application?

MR. BURGER: Yes. Eugene Burger. I was actually planning on doing that, hooking the gutters up. It looked like they may have been at one time. And I'll hook those back up and make sure they are

done correctly.

TRUSTEE BREDEMEYER: The Board was concerned with new decking at grade level with stone work you would not necessary want to have discharge of water. It was difficult to see how many roof surfaces would be dumping in the vicinity of the pool deck.

MR. BURGER: It's a new owner that has the place, so he plans on tightening everything up around there.

TRUSTEE DOMINO: Are there any other questions or comments?  
(Negative response).

Anyone else wish to speak to this application?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as submitted.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number three, under Wetland Permits, Lehnert Construction on behalf of **NASSAU POINT PROPERTY OWNERS ASSOCIATION** requests a Wetland Permit to remove and replace approximately 25 feet of an existing storm damaged bulkhead and replace in-place using vinyl sheathing; repair or replace in-kind approximately 85'x3'4" wide bluff stairs that includes one 5'9"x7'6" top platform, one 8'x7'5" middle platform, and one 7'10"x4'2" lower platform; construct new 11'10"x3' wide section of bluff stairs at bottom to grade; construct new 6'x3'4" wide stairs to beach off new bulkhead. Located: End of Carpenter Road off Nassau Point Road, Cutchogue. SCTM# 1000-111-9

MR. LEHNERT: This is basically Sandy damage we are getting around to as money becomes available. We are replacing exactly what was there and just bringing it back up to where it was.

TRUSTEE BREDEMEYER: Thank you. We did note on this inspection that there is a large drain pipe of questionable functionality located under the stairs. Based on the field inspection, we were hoping that maybe this could be discontinued in use in favor of other --

MR. LEHNERT: Not a problem. That can be removed.

TRUSTEE BREDEMEYER: Okay, that's great. That's wonderful.

The CAC has moved to support this application, and it is consistent with the Local Waterfront Revitalization Program.

Are there any other questions from the Board?

(Negative response).

This is Jack McGreevey, a member of the CAC.

MR. MCGREEVEY: As a recommendation or, I think the CAC forgot to add it, but we do recommend staircases coming down onto the

beach either be replaceable or adjustable so that they don't, in a future storm, get washed out and become a state of hazard.

TRUSTEE BREDEMEYER: Appreciate that. In the past we at times have suggested retractable stairs or hinged stairs. I think that would be an option.

MR. LEHNERT: We've been doing them with bolts, and we can undo the bolts.

TRUSTEE BREDEMEYER: With bolt and lift. Okay. Thank you. Very good. Anyone else, additional questions?

(No response).

Hearing none, I'll make a motion to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I would move to approve this application as submitted with the inclusion of the suggestion of the Conservation Advisory Council that means of removing stairs during the winter be included in the project. That's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Oh, and removal of the pipe. Sorry, with respect to --

MR. LEHNERT: Do you want me to revise the drawings for that?

TRUSTEE BREDEMEYER: For removal of the existing pipe, no, that should be acceptable. As a permit term, it should be fine, if the Board has no objection.

(Negative response).

MR. LEHNERT: Thank you.

TRUSTEE DOMINO: Number four, En-Consultants on behalf of **CHRISTINE & PHILIP MASCIA** request a Wetland Permit to construct a 12'x12' screened porch addition onto the existing 1½ story dwelling; install a 4'x4' outdoor shower onto landward side of proposed porch; and for the as-built 6'x12' addition onto the landward side of dwelling.

Located: 910 Oak Avenue, Southold. SCTM# 1000-77-1-5

The LWRP coordinator found this to be exempt from LWRP review. The CAC resolved to support this application, voted unanimously to support it.

The Trustees did a field inspection on January 14th and found the application to be straightforward. And again, questioned the drywells for downspouts.

Is there anyone here to speak to this application?

(Negative response).

Any questions or comments from the Board?

TRUSTEE BREDEMEYER: No, I guess just the question concerning having proper downspouts and gutters and leaders to drywells, which we could include as a permit term.

TRUSTEE DOMINO: We can make that as a condition.

TRUSTEE BREDEMEYER: Okay. All right, thank you. I'm sorry. The clerk just informed me, we got a line drawn in to answer the question with respect to drywells. There is a drywell on the plan. So I stand corrected.

TRUSTEE DOMINO: Hearing no other questions or comments, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application noting that the plans show the drywells that addresses our concerns.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, Michael Kimack on behalf of **NABIL EL-SHERIF & GIOIA TURITTO** request a Wetland Permit to remove as-built stone circular retaining wall, gunite pond, and 4" pvc drain; as-built  $\pm 65'$  long retaining wall with stone steps to remain; reconstruct  $\pm 23'$  in diameter stone circular retaining wall further landward than existing; relocate as-built 14' in diameter octagonal shaped gazebo into the center of new stone circular retaining wall; re-vegetate 50' wide cleared area along the landward edge of vegetated wetlands; and landscape remainder of property.

Located: 1800 Park Way, Southold. SCTM# 1000-70-10-61.1

This application has been deemed to be inconsistent by the LWRP coordinator in that the initial work took place without the benefit of a Town Trustee permit. The CAC has moved to approve the application.

The Board has been to the site several times, including this month's field inspection, wherein we reviewed a landscape plan that was approved as a method of remediation by the New York State Department of Environmental Conservation.

Is there anyone here who wishes to speak to this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant.

You pretty much summed it up. You had done a pre-application hearing with myself when it was first discovered that the particular vacant land had been cleared and construction commenced, and then the stop-work order was issued. And you had directed there be that 50-foot restoration area. That plan was submitted to the DEC along with ZBA. DEC approved it and ZBA approved it. We moved it back, we took out the pond, that's no longer going to be there. And the as-builts will be discontinued along with the four-inch drain line, and it will be moved back to the 50-foot line, within that boundary. And it will be that, and the rest of the landscape beyond the restoration area will be all landscaped. According to the plan

that you have before you, which has been approved by DEC.

TRUSTEE BREDEMEYER: And the Board, typically, for the area seaward of the non-turf buffer would be non-disturbance.

MR. KIMACK: Correct. It's all primarily phragmites, if I remember correctly.

TRUSTEE BREDEMEYER: It is. At this time it would still be one that the Board would require to have a restricted, file restricted covenants as far as a non-disturbance zone. That is standard for applications.

MR. KIMACK: That will be one of the conditions.

TRUSTEE BREDEMEYER: That would typically be a condition.

MR. KIMACK: You want a recorded covenant?

TRUSTEE BREDEMEYER: It would be a recorded covenant then for That.

MR. KIMACK: I have done a few of those.

TRUSTEE BREDEMEYER: Yes. And to facilitate, so there is no confusion by this or future owners, we also have been encouraging low profile, like a small, split-rail fence or curbing between the non-turf buffer and the non-disturbance area. Is that something you could approach your client with?

MR. KIMACK: Something along the two-foot line or two-foot high line?

TRUSTEE BREDEMEYER: This has been early discussions. We are really not in the procedure planning it for you.

MR. KIMACK: You mean you want something to define that particular line.

TRUSTEE BREDEMEYER: Something that might define it, yes. It's not code specified. We are trying to work with owners that are improving their properties with the non-turf area.

MR. KIMACK: John, it shouldn't be an issue because the phragmites are at least five to six feet high to begin with and once this restoration area takes to maturity, the fence will be pretty much be something you would not be able to see anyway.

TRUSTEE BREDEMEYER: You don't see it as a problem.

MR. KIMACK: No.

TRUSTEE BREDEMEYER: It's something we discussed in the field. It's come up several times now, where individuals in a property Transfer takes place and for whatever reason the new owners are not aware of limitations for a non-disturbance zone and has led to their clearing areas they should not.

MR. KIMACK: And I would assume you probably want the definition or delineation of that particular fence as part of the covenant.

So it would be a -- I mean if you are going to landward of a designated fence line --

TRUSTEE BREDEMEYER: I would think we would put the fence with the limiting structure at this point of the non-turf area and not in the non-disturbance area.

MR. KIMACK: Right, on the -- about a foot or so --

TRUSTEE BREDEMEYER: Yes, if you could incorporate that with a plan amendment that would just show you know, whatever. We'll accept anything that is -- a split-rail fence is acceptable in

wetland areas, so anything split-rail and lower will be acceptable by reference.

MR. KIMACK: Do you have any height you would like?

TRUSTEE BREDEMEYER: I don't think the Board wants to specify that. The standard split-rail is typically three foot. If you want to go lower for esthetic purposes.

MR. KIMACK: I would like to go a couple feet high. It's simply going to be something that is going to be there. It's not going to be visualized by anyone looking at it. If we can go a couple feet high with the split-rail.

TRUSTEE BREDEMEYER: Unless the Board members here have a particular notion. It's just a matter to keep it simple.

MR. KIMACK: If you don't mind I can come in with Elizabeth and simply draw that on. I have done that before, if it's acceptable.

TRUSTEE BREDEMEYER: That's fine. Is there any questions from the Board members?

(Negative response).

Any additional comments? Anyone wish to speak to this application?

(Negative response).

Hearing none, I'll make a motion to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application subject to the stipulation that a low barrier split-rail fence or similar go on the line between the non-turf buffer and the non-disturbance zone, and the non-disturbance zone, the meets and bounds of that be filed as a restrictive covenant that runs with the land, with the property. That's my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. KIMACK: Thank you, very much. I would like to wish good luck to the new Board members. Have a good evening.

TRUSTEE DOMINO: Number six, Frederick Weber on behalf of **RAYMOND RAIMONDI** requests a Wetland Permit to demolish existing one-story dwelling and construct new two-story single-family dwelling (3,468sq.ft. first floor footprint), with a 186sq.ft. front porch, and a 254sq.ft. rear porch; first floor to be raised to meet flood zone conformance; install new sanitary system; existing 22'x48' garage and 14'x24' shed to remain; reconfigure driveway; and add approximately 200 cubic yards of clean fill.

Located: 1150 Mason Drive, Cutchogue. SCTM# 1000-104-7-6

The LWRP coordinator did not make a determination on this application, which unfortunately makes it incomplete. And at this time --

TRUSTEE BREDEMEYER: We'll open the hearing up but we won't be



able to enact a determination on this because, initially this application was returned to us as needing a Zoning Board of Appeals approval, and the Board was extremely short on time this month, given we have new members to train and the number of sites involved. So a decision had to be made that we could not get to every single inspection. And the LWRP coordinator also has a large, beginning-of-the-year work burden. So as it turned out, although we did make a field inspection, we put it on, and actually made a special stop last night.

MR. WEBER: I appreciate that. I did hear about that. I do appreciate the Board's efforts.

TRUSTEE BREDEMEYER: We'll get into some discussion about that as well. I'll turn the discussion back to Mr. Domino.

TRUSTEE DOMINO: Does anyone wish to speak to this application?

MR. WEBER: Yes, I'm Fred Weber, I'm the architect for Ray and Anne Raimondi.

Basically, they have an existing one-story house on the lot. In addition, a garage and a shed. There will be no changes to the garage or shed, however they would like to enlarge the house and customize it for use of their family, which includes four children. The original plan was to raise the house in place, to FEMA requirements, and then renovate in place and add a second-story addition.

As typical, when you start looking at a house that had been added on to a number of times, it became kind of, it was revealed that it made more sense both structurally and financially to demolish and rebuild it. What we are proposing is to move the house back roughly six feet, which would then be conforming to a 75-foot setback from the existing bulkhead. This was done to conform to zoning requirements which were in place when the plans were developed and submitted but has undergone a change now.

The property is relatively flat and fully bulkheaded. The house would be more or less in the same location as the existing house, just moved back. I mean the footprint is roughly the same. Moving the house back further from the bulkhead provides a zoning problem. The existing garage already is partially in the side yard, and the ZBA has indicated that we could move the house back that six feet and it would be a de minimis ruling for them, which they will probably address tomorrow. But any other further overlap for the house with the garage would require like a full ZBA application.

What is happening is the garage is not moving, it's just the fact that the house is moving, it pushes the garage into the side yard, and the zoning code doesn't want that. We'll be putting in a new conforming sanitary system, hay bale and silt fence surrounding the construction. Like I said, the existing garage and shed will remain. And there are a number of existing trees on the site, which we'll try to retain. Some of them being on the water side. So as you move back further, it becomes a more of an issue.

I would be open to questions or comments.

TRUSTEE DOMINO: First of all, on our field inspection, we measured from the bulkhead to the building and it's not 75 feet. The plans shows 75 feet from what would be the property line to the building. It's closer to, correct me if I'm wrong --

TRUSTEE BREDEMEYER: Unless we misread the application, it's a straight line measurement, that the line goes through the bulkhead out to a property line. As far as the jurisdiction of the Trustees under the Wetlands ordinance, our jurisdiction runs to the vegetated wetlands and beach area. So for this project, the jurisdictional line is in fact the bulkhead line.

And understanding the position of, the preliminary position of the Building Department and the Zoning Board of Appeals, that the project could be considered de minimis, the Board of Trustees has a different standard. Under the Wetlands ordinance, the Board is compelled to restrict new house construction to be further landward than the average of the homes on either side of it. Now, the one home is much over 100 feet. The house to the westerly is well over 100 feet. The house to the easterly is in a range of probably 97 to 102 feet. So the average of the two houses would mean that the new house should be located a minimum, the Wetland Code setback for residence which is 100 feet. Then the Board can consider permit activity that would allow for obviously the demolition and removal of the existing structure. But we are compelled to maintain that. We are compelled to maintain the notion of homes trying to be no further close to the wetlands than the pre-existing neighbors.

So we have, we are in a different situation than the de minimus situation.

MR. WEBER: I just first want to address the dimensional question that you raised. The survey shows 75 feet from the property line to the corner of the existing house. We are moving that back, so that about six feet, there was a stake alongside the house.

TRUSTEE BREDEMEYER: We saw that stake.

MR. WEBER: That stake is now going to be, what we are proposing to be the front of the house. So it's about six-feet back from where it was. And that dimension on the site plan is 75 feet from the bulkhead to the bay, bay window that is there, and it's moved back further.

TRUSTEE BREDEMEYER: Unfortunately that is not what the Board is compelled to review under the Wetland Code. In other words we have to look at that other setback. So unfortunately I think we are not in a position to move ahead to provide an approval that would result in a de minimus action from the Building Department or ZBA that you seek.

MR. WEBER: Okay. I mean there is, based on a Zoning issue which is the overlap, the side yard overlap, not the house location.

TRUSTEE BREDEMEYER: And ours is a straight-up code issue. There is two areas of the Town Wetland Code that try to be somewhat respectful and corrective of new structures put where there is neighboring structures. One is the pier line for docks and

structures that go out into surface waters, and the other is the placement of homes. And in this case there is sufficient room to move the dwelling, and the homes on either side are similarly situated on lots that are of similar depth so that there is not -- in other words they are all in a range of the same caliber home and they are setback, like I said, the one is even still further back.

MR. WEBER: I just did, I have a printout of the aerial view. I have a couple of them here. And this, if, I can give you those, and I can talk about it. If you look, the house immediately to the west, is setback quite far. I think you can see that. But if you look to the east, there is a series of like four house that are in the same, roughly the same vicinity of the Raimondi house.

Do you have to just look -- I mean if one neighbor is setback, you know, far beyond what they need to be do you have to pay a penalty for that guy doing that. You know, I would think you would have to look at the whole neighborhood.

TRUSTEE DOMINO: The code reads the mean value of the adjacent properties.

MR. WEBER: Okay.

TRUSTEE DOMINO: I would like to enter into the record also the CAC voted to support this application, and recommending best management practices for the driveway and drainage.

MR. WEBER: Can I ask the Board a question, if we were to go back to our, as I was saying, our original thoughts to renovate the house in place, what would the Board's reaction be to that?

TRUSTEE BREDEMEYER: We don't have a plan certain or particulars of renovating in place, so we are usually cautioned against addressing hypotheticals. But I think you probably have a number of instances in the files and elsewhere that show that typically if we meet the current environmental standards for new, depends on the degree of renovation, where the Building Department will require new sanitary, and gutters, leaders and drywells, and other issues that are lacking in the current plan, and you have to meet the Town drainage code, but really it's not appropriate to discuss what we might approve without plans certain. But there is obviously a case history of how we deal with these things. The things we look at are fairly limited. They are code based and based on environmental practices and the advice of the Conservation Advisory Council and the LWRP coordinator.

I can't speak for him but, there again, there is a case history of pre-existing, conforming homes that have already gotten C of O's that want to do renovations, and I think we have a history of operations here that look favorably on those activities. But I can't say without a plan. The Board can't say without a plan.

MR. WEBER: Okay. Can you just repeat the setback figures you had mentioned of the surrounding properties and what your conclusion was? You said the property to the west was setback how far?

TRUSTEE BREDEMEYER: We didn't tape it. But you can understand

that we had your measurement that was your 75 feet and so just discerning that and understanding some basic distances, it looks like the neighbor to the east is in a range of 100 feet. Within a few feet either way. And we, understanding we try accommodate this inspection to move forward when we heard the possibility of de minimus review, so we called a special field inspection last night on the way to our worksession.

MR. WEBER: I do appreciate that.

TRUSTEE BREDEMEYER: We can get you the exact code reference citing on it, but it's the average of the two adjacent.

MR. WEBER: Okay.

TRUSTEE DOMINO: Any other questions or comments from the Board? (Negative response).

Anyone else wish to speak to this application?

MR. MCGREEVEY: There is a point of interest, John, does total demolition come into the picture if it stays on the current footprint?

TRUSTEE BREDEMEYER: Those determinations are usually made through the Building Department. With the current procedures that the Board of Trustees have, is that intake goes through the Building Department with respect to the need for Zoning Board of approval, and that is what actually happened in this case when the plans went in, they were reviewed for this notion of de minimus approval by the Zoning Board based on having met their, you know, their requirements and the change in the code which now, they are not involved behind bulkheads. And so let's say a new application, to the extent it would be a renovation or in fact demolition, the principal building inspector and the plan reviewers and the Building Department are the gatekeeper. We found that is most efficient for Town operations now so that these applications go to one person, and it's more orderly. We can't have a Board of Trustees making these determinations and a Zoning Board. Everybody looks to the Building Department to do the initial sort. And it's been working very well. These are procedures we started approximately two years ago. They have been fairly efficient. We keep things moving along. Or we try to.

MR. MCGREEVEY: You answered my question. Thank you.

TRUSTEE DOMINO: Hearing no further comments, I'll make a motion to table this application pending the LWRP coordinator's determination.

TRUSTEE BREDEMEYER: I'll second that. And just a brief comment. Because it's in the table mode, any amendments or changes to plans that would come in, we could then reconsider, I think it would be fair to reconsider as part of, in lieu of this. I don't think the clerk has a problem.

Right. Just the clerk informed me, you may have to re-notice the project. In other words, if there is any substantial change you may have to be re-noticed, but we can umbrella it under the current fees.

MR. WEBER: Okay.

TRUSTEE BREDEMEYER: And the deadline, I hate to tell you this, we are on a short schedule, a compressed schedule, because of

the holidays and Presidents Day, the deadline to get the application in and any amendments would be coming up Friday. And maybe at the latest if you smile at the clerks, maybe Monday.

There has been a motion made and seconded. All in favor?  
(ALL AYES).

(Trustee Goldsmith leaves the dais and exits this meeting room).

TRUSTEE BREDEMEYER: The next application, number seven, Costello Marine Contracting Corp. on behalf of **GOLDSMITHS BOAT SHOP, INC.** requests a Wetland Permit to remove 75' of existing bulkhead; construct 75' of new bulkhead in-place using vinyl sheathing, and raise the elevation to 5' to match adjacent property's bulkhead; modify inshore end of existing dock ramp to match new bulkhead elevation; fill void areas landward of new bulkhead with approximately 20 cubic yards clean sand; and to subsequently maintain the 10' wide non-turf buffer along the landward edge of the bulkhead.

Located: 2620 Hobart Road, Southold. SCTM# 1000-64-3-9

This project has been determined to be exempt under the LWRP. And the CAC have voted to support this application.

Is there anyone here who wishes to speak on behalf of this application?

MR. COSTELLO: Yes. My name is John A. Costello. Costello Marine Contracting is the agent for the application.

First of all, these bulkheads are reasonably old and the degree of material that was used in it, it was a light-treated CCA material, from, probably back, probably 25 years ago, when DB&S Lumber was first starting in the business. There is a major degree of problems with the sheathing. Now, if you walked alongside the bulkhead, I recommend that you not.

TRUSTEE BREDEMEYER: We reviewed it and took our photographs from the dock.

MR. COSTELLO: I have seen a few people with broken legs, ankles, and whatnot, walking next to a bulkhead that is aged and deteriorating and leaking. You are not aware of the leak until you go through it. And I know that several of the bulkheads with the materials built in that time have the same problems. Claudio's has three lawsuits just on the same thing. This summer. Because people walking next to a CCA treated bulkhead, improperly treated. Problems. Okay?

So what we are going to do is going to remove it in place, try and retain as much of the soil as possible, and reuse -- we'll elevate it by approximately five or six inches. As you are well aware, the tides are rising and they'll continue for a little while. And this has been under water on occasion, on storm tides. And we are going to try to rectify that situation and try to elevate it slightly.

TRUSTEE BREDEMEYER: The elevation, is that to match the neighbor to the north, is it?

MR. COSTELLO: Well, the one to the north is slightly higher.

TRUSTEE BREDEMEYER: Is slightly higher. Okay, I just wanted to clarify that. Any additional questions?

(No response).

And let the record reflect Trustee Goldsmith absented the room to avoid the appearance of any conflict of interest. He did it so quietly. I would just like the record to reflect that.

MR. COSTELLO: Well, I would like to congratulate both new Trustees to be here with some of you aged, wiser men and learn the degree and you can learn from them, the young guys with a new approach, and I'll offer any little knowledge that I have to help with that.

TRUSTEE BREDEMEYER: Too kind and too deprecating with both cases. Does anyone else have any questions with respect to this application? Yes, CAC member, Jack McGreevey?

MR. MCGREEVEY: With the rising sea level a determining factor, the other determining factor if I understand, in raising the elevation of a new bulkhead, it has to be no higher than the adjoining bulkhead or is there, it seems like a gray area to me.

TRUSTEE BREDEMEYER: It's not so much gray. The Board seeks to provide consistent protection along the shoreline. Obviously a dilapidated bulkhead in disrepair or one that it at lower elevation may present additional problems, particularly in a seaway or storm condition, because the dilapidated ones, of course, the waters come back around, then over-wash and destroy a functional bulkhead. And so there is a number of issues there. So obviously in a perfect world everybody would have a bulkhead the same age and you would not need returns and they would all tie together and it would just be a wonderful thing. But just like people, we all come to our own degree of degradation over time in a different manner, so we have to deal with what is in the field. So it's a judgment call. We try to match the neighboring and/or existing permits. Sometimes we've granted a permit on a neighbor and ask them to go a little higher so they might protect themselves, and if it's not even constructed, if we have presence of mind or recall and do a file search, we try match those heights. I think that is something Mr. Costello would --

MR. COSTELLO: By elevating this bulkhead will certainly environmentally improve what flows into the bay in the area. And by elevating every bulkhead slightly, I think you are stepping in the right direction, because the inevitable is happening.

TRUSTEE BREDEMEYER: Any additional questions?

(No response).

Hearing none, I'll make a motion to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And I would make a motion to approve this application of Costello Marine on behalf of Goldsmith Boat Shop, Inc., as applied for. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMAYER: All in favor?  
(ALL AYES).

TRUSTEE DOMINO: Number eight, Costello Marine Contracting Corp., on behalf of **BRUCE AND ALLAN GOLDSMITH** request a Wetland Permit to remove 75' of existing bulkhead and 32' long return; construct 75' of new bulkhead and 32' west return in-place, in-kind using vinyl sheathing; and to subsequently maintain the 10' wide non-turf buffer along the landward edge of the bulkhead. Located: 2550 Hobart Road, Southold. SCTM# 1000-64-3-8

The LWRP coordinator found this to be exempt. The CAC resolved to support this application with the condition there be a ten-foot wide non-turf buffer. They voted unanimously to support that.

The Trustees did a field inspection on the 14th and noted that a silt fence would be required, and that the bulkhead, existing bulkhead has failed.

Is there anyone here to speak to this application?

MR. COSTELLO: Again, my name is still John A. Costello and I'm still working for Costello Marine Contracting. And we are the agents for this application of Bruce and Allan Goldsmith, to replace the bulkhead in its entirety. We are going to take the bulkhead out and place one in exactly the same position, in the same place. As you can see, through your inspection, the bulkhead has been repaired and repaired, and I can remember giving Bruce Goldsmith some used lumber to try to keep it from leaking. And as you can see on there, below the bottom stringer, the beach is, he's filled it with some gravel in some of the holes. The gravel is going right through, unfortunately, into the bay. And the sheathing below the stringer, it's hard to fasten it up, sealing the bulkhead off, and it was inevitable, in a matter of time, the bulkhead would require replacement. While we are doing the adjoining bulkhead, it would be wise to do this at the same time. That's why the application is being made. You'll also note on your two-year inspection that the lack of a non-turf buffer, there was lawn close to this. By putting the non-turf buffer in there, again, you are doing some filtering. I don't know whether they have used much in the way of fertilizer, but the non-turf buffer certainly, environmentally, is one of the things that this Board has advocated over a period of time and at least filtering it through the sand, clean sand fill, and having less vegetation and less fertilizer along the shoreline is another positive.

TRUSTEE DOMINO: I'll read something into the record. We were notified by counsel that late yesterday one of the owners of the property contacted the Trustees and stated they did not consent to the application and therefore we need to table so that counsel can research the legal ramifications, if any. One of the owners is not consenting.

MR. COSTELLO: Can I comment one thing on that? One of the

things, I would like to see action -- this is not going to be built this week. But I certainly don't want anybody in the upcoming season here to have a liability or possibly be walking along the shore line, and they do, get hurt on it, first of all, and the owner of this property, I believe there is three owners of it, and two of them okayed to have in the boatyard, this application to move ahead. Two of the three, which owns two-thirds, approximately two-thirds of the property, wish to have it processed. I would like to have that in the record.

TRUSTEE BREDEMEYER: Thank you.

TRUSTEE DOMINO: Appreciate your comment.

TRUSTEE BREDEMEYER: Obviously I don't think the Board of Trustees has an objection with putting up security fencing, you know, the typical security fencing that bounds construction sites, and I hope no one here, and if anyone has an objection and wants to get on the record, I don't think most people object to going in on a possible construction site to make it more secure. But I just wanted to, you know, offer that up. And we are bound in most cases to try to honor the request of our attorneys and so I think we are duty bound to honor that and allow this to play out.

Also, I would say that obviously many of us here have known each other for many, many years, and prior counsel to the Board of Trustees has suggested that we should try to avoid some matters dealing with the ownership of property. As the oldest property owner in the town, we are wise to the fact that we gave all the good stuff away already, so -- or actually we hold most golden property in the town, but we are keen to the fact that we want to be mindful, respectful of private property rights and private properties, but sometimes these things have to play out in a different fashion. It had been suggested by certain other people very knowledgeable in government that the Trustees didn't give up their right to have dueling on Trustee lands, but that would also have be researched by the attorney as well.

MR. COSTELLO: I would recommend the Board does what they feel is right, and I believe in consulting with an attorney, many a times is the proper thing to do.

TRUSTEE DOMINO: Any other questions or comments from the Board? (Negative response).

Anyone else wish to speak to this application?

MR. COSTELLO: The only last comment, closing comment before you close all together, is, as we all know, the answer to the replacement of this bulkhead is a yes, at some stage, some time, somehow, because no one is going to allow it to fall down and, but when, where, how, and whatever the legal way to do it properly, absolutely, I would like to see that done. Thank you.

TRUSTEE DOMINO: Very good, thank you. Hearing no further -- yes?

MR. GOLDSMITH, JR: Good evening, my name is Alvah Goldsmith, Jr., and I'm a lifelong resident of Southold, and 47 years in the marine industry, following in my dad's footsteps who was also a Trustee.



I would like to take this opportunity to also congratulate the new members of the Board and hope that they can work well in the future, I'm sure they can, in dealing with the business of the town, in the town. And my main point of being here tonight is to object to the new bulkhead that is proposed on the property, the 2550 Hobart Road. The way this was handled, I don't think was right at all. When you have adjoining property owners who get notification of something like this, and I as a one-third owner of the property have to read about it in the local paper, I think that is highly unordinary. Out of the ordinary. And I don't think the bulkhead is in any imminent danger of falling down, and I know that if there is anybody that is going to walk by there, my brother will certainly critique them and find out why they are on the property, even as far as clambers go. We also at this time, in the State Supreme Court, have a partition action going on the property involved. And I don't think it would be advisable at this particular time to okay this application and go forward. I think that more time has to be spent finding out more details. And so my recommendation is that is, it be tabled at this particular time, to be brought up some time in the future. Thank you.

MR. GOLDSMITH: My name is Bruce Goldsmith. My twin brother couldn't be here tonight. We are two-thirds owners of the house. Apparently my brother has not been to the waterfront to see what the condition is. There is three, at least three or four huge holes right behind the bulkhead that somebody could fall through and break their leg. And it needs to be replaced as soon as possible. I just hope that nobody does get hurt, because it will be a liability. Thank you.

TRUSTEE DOMINO: Anyone else wish to comment on this application? (Negative response).

Hearing no further comment, I make a motion to table this application.

TRUSTEE BREDEMEYER: Second. All in favor? (ALL AYES).

(Trustee Goldsmith returns to the dais).

TRUSTEE BREDEMEYER: Next application, number nine, Costello Marine Contracting Corp. on behalf of **VINCENT & EILEEN FLAHERTY** request a Wetland Permit to remove 232' of existing bulkhead; construct 232' of new bulkhead in-place using vinyl sheathing; remove 50' of the landward section of existing 67' long jetty and construct new 50' of jetty in-place.

Located: 470 Inlet Way, Southold. SCTM# 1000-92-1-8

This project has been determined to be consistent with the LWRP. The CAC supports the application with the recommendation to consider removing/relocating the existing jetty low profile to the east alongside the channel entrance. The existing location blocks public access along the shoreline.

Is there anyone here who wishes to speak to this application?

MR. COSTELLO: John A. Costello, I'm with Costello Marine

Contracting, we are the agents for Mr. Vincent Flaherty, and any questions that the Board would have on this, it's a direct replacement of a bulkhead. Again, it's CCA treated bulkhead with inferior CCA, and I think replacing it with vinyl and better-treated timbers, you are going to get the longevity. They just spent a lot of money renovating the house almost in position, and they want to protect their property.

And I congratulate the CAC for, I don't know, doing the engineering, I mean moving that jetty to some minor degree to the east certainly creates a better beach, and you can see that the water, the rocks that have been placed in front of the existing bulkhead in order to stabilize it, was certainly a benefit, if they could move it to some minor degree to -- anything they move it toward the east, to keep the channel open. The county dredges that channel, the channel fills in. And by having the jetty there and having the length of the existing jetty certainly is keeping a lot of sand from migrating to the east and filling that channel more frequently.

The county, in their budgets, are trying to dredge all the places that need dredging, are having some financial difficulty, and this is one of the ones with the Cornell, they certainly like to have this open and maintain those wetlands. There is a lot of good, productive wetlands back there, and they would, the Cornell has even questioned whether they know where they could buy a little, small dredge, because they want to maintain that whole creek. And they should.

I'm going to discuss it with the owner of the property. I don't know, I don't want to go through the procedure because he's, he would like to try to protect the property, and I don't want to make a new application, but if it was the recommendation of this Board to move it some degree to the east and attempt to keep some of the fill out of the channel way, I think that was a smart --  
TRUSTEE BREDEMEYER: We noted, we were discussing the same issue on inspection. We saw the huge amount of sand that was built up. You obviously shortened it to try to meet with the current DEC guidelines.  
MR. COSTELLO: We tried to.

TRUSTEE BREDEMEYER: And then the question is the height of the profile for moving along the beach. It seemed, the first question is how much material builds up there, I guess seasonally and then washes out.

MR. COSTELLO: Lowering the profile on the inshore end to some minor degree certainly, the windblown sand is going over. Windblown. Because it's a dry, upper level beach. And there is a degree going over, contributing to filling in the channel way. But I think that's minor compared to some areas. But the length of the jetty and it's debris of fullness, is a lot of sand. A lot of sand.

TRUSTEE BREDEMEYER: It's my understanding and you dealt with many too, that the DEC was reluctant to add additional jetties. In other words it would seem because there is such a large amount of material in play, an additional one that would be close to the entrance would capture more as far as filling in of

Cedar Beach Creek.

MR. COSTELLO: The DEC regulation, actually, as you well know, they like to see them minimized to the low water mark. The efficiency of a groin or a jetty is the length of it. The longer it is, the more capture of sand it does, and will maintain a lower profile. The profile of the beach is -- a low profile on that beach is the single, best-way deterrent that there is. The water runs up, loses all its energy before it hits the upper retaining wall. It's gone. And that's one of the reasons that beach is so good right now. By decreasing it, you know, they want, to the low water mark, one side of that jetty is considerably different than the other side. Now where the low water mark, I mean you have to compromise, sometimes the DEC will compromise, and there are some real intelligent DEC people that would consider that. Others wouldn't. Depends upon who.

TRUSTEE BREDEMEYER: Okay, thank you. Is there anyone else? Any questions from the Board?

(Negative response).

Any other people wish to speak to this application?

(Negative response).

Hearing none, I'll make a motion to close the hearing in the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application as submitted, with the suggestion that the applicant entertain relocating the groin under discussion further to the east, if allowable with the DEC, and return with a possible project amendment should the DEC grant any relief. And this may address some of the concerns of access along the beach, and would certainly seem to be in the benefit of Cedar Beach Creek and the shellfish facility that is benefitting the whole town. So that's my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number ten, Jeffrey Patanjo on behalf of **NASSAU POINT PROPERTY OWNERS ASSOCIATION** requests a Wetland Permit to remove and replace in-place existing bluff stairs consisting of a 3'x22' set of stairs with a 3'x3' upper landing and handrails; remove and replace in-place existing 11.5'x20.5' deck surface using untreated lumber or composite materials; and to add two additional 6"x6" CCA wales sistered to existing on the navy style bulkhead. Located: End of East Club Road off Nassau Point Road, Cutchogue. SCTM# 1000-111-15

The LWRP coordinator found this consistent. The CAC resolved to support the application with the condition the structure does not block public lateral access along the shoreline.

The Trustees did a field inspection on the 14th and noted

the state of disrepair of the bulkhead itself.

Is there anyone here to speak to this application?

MR. PATANJO: Jeffrey Patanjo, on behalf of the applicant. Anything that is seaward of the bulkhead is going to remain in place and existing, which would be that stairway down to the beach. We are not doing anything with that. That's existing. And I looked at the bulkhead as well. I thought it was not in bad shape, to be honest. Just a couple of the existing wales looked like they were in disrepair, needed a little sistering, a little re-enforcement. But at this point in time I didn't see any signs of imminent failure of the bulkhead. I didn't see any signs of erosion through the bulkhead. The bulkhead looked straight. It didn't seem to be bowed. It was re-enforced with some extra batter piles. So that's my opinion of it.

TRUSTEE DOMINO: We respect your opinion. We just thought that it's a lot of expense to go through what you are doing, you might want to look at including the bulkhead into that. But it's up to you.

MR. PATANJO: Money for them, like the previous application from Nassau Point, monetary wise, they need their stairs replaced. That's the ultimate goal here. And at the same time they decided to replace the decking on the actual decking surface. I can absolutely present that to them, to make the amendment if they would like to replace the bulkhead in time, but at this point I think we would like to stick with the original application. But I'll make the comment to them.

TRUSTEE DOMINO: That's a potential solution. Anyone else wish to speak to this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted.

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next application, number eleven, Jeffrey Patanjo on behalf of **NASSAU POINT PROPERTY OWNERS ASSOCIATION** requests a Wetland Permit to remove and replace 26 linear feet of existing deteriorated timber bulkhead with new vinyl bulkhead, and raise the top cap elevation 12"; and remove and replace existing 4'x7' steps to beach. Located: End of Tuthill Road off Nassau Point Road, Cutchogue. SCTM# 1000-118-4

This application has been deemed to be exempt under the LWRP. And the Conservation Advisory Council has indicated they support this project.

Is there anyone here who wishes to speak on behalf of this application?

MR. PATANJO: Jeff Patanjo, on behalf of applicant. If you have any questions I would be happy to answer them.

TRUSTEE BREDEMEYER: I think we felt it was straightforward. By raising it, I guess it will match the bulkheads on both sides.

MR. PATANJO: Correct.

TRUSTEE BREDEMEYER: That was the only question concerning that. Any additional questions? Board members? Anyone? Jack?

MR. MCGREEVEY: Again, with the staircase to the beach, just a suggestion, recommendation that the staircase --

TRUSTEE BREDEMEYER: Yes, the staircases here, the ones we saw, were actually bolt-ons and can easily be removed.

MR. MCGREEVEY: Okay.

TRUSTEE BREDEMEYER: Okay, hearing no further comments, I'll make a motion to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Motion approve this application as submitted.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Jeffrey Patanjo on behalf of **FREDERIC ENDEMANN** requests a Wetland Permit for the removal and replacement of 40 linear feet of existing bulkhead in-place using vinyl sheathing, and raise the height an additional 12"; install a 20 linear foot bulkhead extension; re-shape 60 linear feet of eroded bank along with the installation of two tiers of coir logs, and re-vegetate area with beach grass and other wetland plantings; dredge approximately 65 cubic yards of material which is to be utilized as nourishment behind the existing low-sill bulkhead or disposed of at an off-site location.

Located: 840 Old Harbor Road, New Suffolk. SCTM# 1000-117-5-51.1

The LWRP coordinator found this to be consistent. The CAC resolved to support the application, without conditions. One nay vote by member Doug Hardy.

The Trustees did a field inspection on the 14th of January, and this was our second trip back there. We had done a previous inspection, pre-submission inspection, and were pleased to note that they incorporated the suggestions to address the issues that we had pointed out at that time. And that's pretty much it. Is there anyone here to speak to this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. And if you have any questions, I'm here to answer them.

TRUSTEE DOMINO: Any questions or comments from the Board? (Negative response).

We felt that this was a pretty straightforward application.

Anyone else wish to speak to this application?

MR. MCGREEVEY: For the benefit of the CAC, it became a question, and for the enlightenment of the two new members we are pleased to have on the Board, a description of those coir logs, what's

the purpose of those?

MR. PATANJO: The purpose they serve is to stabilize the bank while allowing vegetation to grow through them and incorporate into the bluff, to recreate the bank naturally. There is no hard structure, they actually deteriorate over time, but the bank is established and they hold the surface.

MR. MCGREEVEY: Would they come in the category of erosion control device? I have heard that.

MR. PATANJO: Yes, they would.

MR. MCGREEVEY: Good. That's what I like to hear. Thank you.

TRUSTEE DOMINO: Anyone else wish to speak to this application?

(No response).

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Motion to approve in application as submitted.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: At this time I would like to make a motion the Board go into executive session and discuss the matter of litigation between Savino versus the Board of Trustees, and immediately adjourn thereafter. I'll make that as my motion.

TRUSTEE DOMINO: I'll second that. All in favor?

(ALL AYES).

## **VII. EXECUTIVE SESSION**

Town Attorney – Litigation of Savino vs. Board of Trustees

Respectfully submitted by,

A handwritten signature in dark ink, appearing to read "John M. Bredemeyer III". The signature is fluid and cursive, with the last name being more prominent.

John M. Bredemeyer III, President  
Board of Trustees